



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/858,245	05/19/97	PADOVANI	R QCPA418

RUSSELL B MILLER  
QUALCOMM INCORPORATED  
6455 LUSK BOULEVARD  
SAN DIEGO CA 92121-2779

LM02/1118

EXAMINER
VO, N

ART UNIT	PAPER NUMBER
2745	

DATE MAILED:

11/18/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/858,245**

Applicant(s)  
**Padovani**

Examiner  
**Nguyen Vo**

Group Art Unit  
**2745**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement filed 10/20/97 has been considered and made of record by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Blakeney, II (US Patent No. 5,267,261; hereinafter Blakeney).

As to claim 1, Blakeney discloses all the claimed limitations. More specifically, "a set of parameters" as claimed read on the Active Set, Candidate Set and Neighbor Set at column 21 lines 48-68; "operating the cellular network in a predetermined interval" as claimed reads on the time interval in which a mobile station measures pilot signals, and reports the measured pilot signals in Blakeney; "collecting and saving data from received pilot strength measurement messages" as claimed reads on column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28; and "revising said set of parameters in accordance with said data from received pilot

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strength measurement messages” as claimed reads on modifying the above Active Set, Candidate Set and Neighbor Set as disclosed at column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28 in Blakeney.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by I (5,734,646).

As to claim 1, I discloses all the claimed limitations. More specifically, “a set of parameters” as claimed read on data rates and burst length as disclosed at column 2 lines 1-5, column 3 lines 50-58, column 4 lines 1-3, column 5 lines 16-23, column 6 lines 39-67, and columns 7-11; “operating the cellular network in a predetermined interval” as claimed reads on the time interval in which a mobile station measures pilot signals, reports the measured pilot signals and performs access request in I; “collecting and saving data from received pilot strength measurement messages” and “revising said set of parameters in accordance with said data from received pilot strength measurement messages” as claimed reads on modifying access parameters based upon the received pilot strength measurement messages as disclosed at column 2 lines 1-5, column 3 lines 50-58, column 4 lines 1-3, column 5 lines 16-23, column 6 lines 39-67, and columns 7-11.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Love (5,771,461) discloses a CDMA system, wherein pilot strength measurement messages are used to control transmission power of the base stations.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo, whose telephone number is (703) 308-6728. The Examiner can normally be reached on Tuesday-Friday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Monday.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Nguyen Vo  
November 10, 1998

A handwritten signature in black ink, appearing to read 'Nguyen Vo', with a stylized flourish at the end.

**NGUYEN VO  
PRIMARY EXAMINER**